

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COURTNEY JEAN BESCH,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS et al.,

Defendant.

CASE NO. 3:22-cv-05427-DGE

ORDER STRIKING MOTION FOR
SUMMARY JUDGMENT (DKT.
NO. 104)

This matter comes before the Court on Plaintiff Courtney Besch's motion for summary judgment. (Dkt. No. 104.) In response, Defendants asserted Plaintiff's motion was premature because sufficient discovery had not yet been conducted; in particular, key witnesses had not been deposed and certain documents had not been produced. (Dkt. Nos. 107 at 8; 108 at 2.)

A court may deny or strike a motion for summary judgment to allow the parties to conduct discovery. Fed. R. Civ. P. 56(d). Pursuant to Rule 56(d), Plaintiff's motion for summary judgment is stricken without prejudice so that the parties may conduct discovery and develop a complete record.

1 In addition, the Court dismissed the majority of Plaintiff's claims subject of Plaintiff's
2 motion for summary judgment. (*See* Dkt. Nos. 117, 118.) Plaintiff's motion for summary
3 judgment, therefore, no longer is based on the operative complaint.

4 Accordingly, Plaintiff's motion for summary judgment is STRICKEN. Plaintiff may
5 refile a motion for summary judgment after completion of discovery.

6 Dated this 10th day of April 2024.

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David G. Estudillo
United States District Judge